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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,458	07/26/2001	Michael Wayne Brown	AUS920010394US1	7019

7590 12/01/2004

International Business Machines Corporation  
Intellectual Property Law Department  
Internal Zip 4054  
11400 Burnet Road  
Austin, TX 78758

EXAMINER
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PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/915,458	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hassan Phillips	2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/26/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on July 26, 2001, has been received and considered by the Examiner.

### ***Specification***

1. The disclosure is objected to because of the following informalities: The text on page 1, line 10 through page 2, line 2, should be updated with the current status of the cited applications such as, U.S. Patent Application Serial No., and filing date, or U.S. Patent No., and issue date. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-13, 15-19, 21-32, 34-36, 38-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman, U.S. Patent 6,714,791.

3. In considering claims 1, 8, and 15, Friedman teaches a method, system, and program for controlling distribution of device information to a plurality of users participating in a messaging session, said method comprising the steps of: Receiving device information for a particular device (1050, 1051, or 1052) utilized by a particular user (A, B, or C) participating in a messaging session; filtering said device information according to authorization preferences; and distributing said filtered device information to at least one other user participating in said messaging session, such that said at least one other user is enabled to monitor said particular device utilized by said particular user during said messaging session. See col. 12, lines 60-67, and col. 13, lines 1-9.

4. In considering claims 2 and 9, Friedman teaches receiving said device information at, and distributing said filtered device information from, a messaging server 110 communicatively connected via a network to said users. See col. 12, lines 60-67, and col. 13, lines 1-9.

5. In considering claims 3, 10, and 16, Friedman teaches receiving authorization preferences for said particular device from said particular user. See col. 12, lines 60-67, and col. 13, lines 1-9.

6. In considering claims 4, 11, and 17, Friedman teaches receiving said device information comprising at least one from among a power level, a signal strength, a cost

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for participating, a device type, and a location. See col. 12, lines 60-67, and col. 13, lines 1-9.

7. In considering claims 5, 12, and 18, Friedman teaches filtering said device information according to user selected output preferences for said at least one other user. See col. 12, lines 60-67, and col. 13, lines 1-9.

8. In considering claims 6, 13, and 19, Friedman teaches filtering said device information according to authorization preferences selected for said messaging session. See col. 12, lines 60-67, and col. 13, lines 1-9.

9. In considering claims 21, 24, and 27, Friedman teaches a method, system, and program for participating in a messaging session, said method, system, and program comprising the steps of: Determining device information for a particular device (1050, 1051, or 1052) utilized by a particular user (A, B, or C) to participate in a messaging session; and transmitting said current device information for distribution to at least one other user participating in said messaging session, such that said device information for said particular device is communicated within said messaging session. See col. 12, lines 60-67, and col. 13, lines 1-9.

10. In considering claims 22, 25, and 28, Friedman teaches determining said device information comprising at least one from among a power level, a signal strength,

a cost for participating, a device type, and a location. See col. 12, lines 60-67, and col. 13, lines 1-9.

11. In considering claims 23, 26, and 29, Friedman teaches filtering a selection of information from said device information according to user output preferences for said at least one other user; and transmitting only said selection of information for distribution to said at least one other user. See col. 12, lines 60-67, and col. 13, lines 1-9.

12. In considering claims 30, 34, and 38, Friedman teaches a method, system, and program for monitoring devices (1050, 1051, or 1052) utilized within a messaging session, said method comprising the steps of: Receiving device information for at least one other device utilized by at least one other user (A, B, or C) participating in a messaging session at a particular device utilized by a particular user participating in said messaging session; and outputting said device information through said particular device according to device output preferences, such that said particular device is enabled to monitor said device information for said at least one other device utilized in said messaging session. See col. 12, lines 60-67, and col. 13, lines 1-9.

13. In considering claims 31, 35, and 39, Friedman teaches receiving said device information comprising at least one from among a power level, a signal strength, a cost for participating, a device type, and a location. See col. 12, lines 60-67, and col. 13, lines 1-9.

14. In considering claims 32, 36, and 40, Friedman teaches graphically displaying said device information through said particular device according to device graphical output preferences. See col. 13, lines 10-61.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 14, 20, 33, 37, 41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman.

3. In considering claims 7, 14, and 20, although the disclosed method, system, and program of Friedman shows substantial features of the claimed invention, it fails to expressly disclose: Filtering device information according to bandwidth.

Nevertheless, it was well known in the art at the time of the present invention to filter communication information according to a bandwidth of a network associated with a corresponding communication session. This is done because information is sometimes too large for certain networks, or certain devices on the network, to handle appropriately. Friedman shows information being reconstructed in order for a device to

render the information properly when the device receives the information from the network. See col. 11, lines 64-67, and col. 12, lines 1-11.

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Friedman to show filtering the device information according to a bandwidth associated with the messaging session. This would have enhanced the teachings of Friedman by allowing users with different devices, or in different networks, to receive filtered information according to their capabilities, instead of receiving no information at all.

4. In considering claims 33, 37, and 41, although the disclosed method, system, and program of Friedman shows substantial features of the claimed invention, it fails to expressly disclose: Audibly outputting device information according to output preferences.

Nevertheless, Friedman does teach: Graphically displaying said device information through said particular device according to device graphical output preferences, (col. 13, lines 10-61); and, each device comprising a means for reproducing audio, (col. 6, lines 6-16).

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the present invention, to modify the teachings of Friedman to show audibly outputting device information through the particular device according to device audible output preferences. This would have enhanced the teachings of Friedman by allowing users to receive information audibly, as well as graphically, according to output preferences.



***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simonoff, U.S. Patent 6,463,460 discloses a system for sharing messaging device information among network users.

Iwayama et al., U.S. Patent 6,735,615 discloses a system for notifying messaging devices about status changes.

Rakoshitz et al., U.S. Patent 6,578,077 discloses a method and system for monitoring bandwidth within a network.

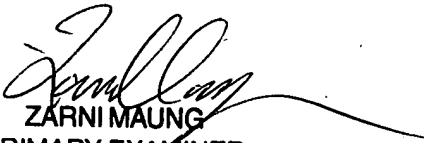
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
11/24/04

  
ZARNI MAUNG  
PRIMARY EXAMINER